

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

BRIAN J. WILLIAMS §
v. § CIVIL ACTION NO. 5:12cv20
BOWIE COUNTY CORRECTIONAL §
CENTER SHERIFF PRINCE, ET AL.

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Brian Williams, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants, Williams named the Bowie County Sheriff, James Prince; the Bowie County Correctional Center Medical Department, Warden Campbell, a nurse named Michaelis, and a physician named Dr. Shah.

Williams complained that he was subjected to deliberate indifference during his confinement in the Bowie County Correctional Center, with regard to an incident in which he fell off of a top bunk. The Defendants were ordered to answer and filed motions for summary judgment.

After review of the pleadings, the motions for summary judgment, and the summary judgment evidence and exhibits submitted by the parties, the Magistrate Judge issued a Report recommending that the motions for summary judgment be granted and that the lawsuit be dismissed. A copy of this Report was sent to Williams at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge

of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 20) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motions for summary judgment (docket no.'s 17 and 19) be GRANTED and that the above-styled civil action be and hereby is DISMISSED with prejudice. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 11th day of December, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE